

## Barbary Clarke and Jason Clarke

### Testimony to Yoorrook Justice CommissionDestiny

November, 2024

My name is Barbary Clarke and I thank the Yoorrook Justice Commission for the opportunity to offer this testimony. I will tell the truth to the best of my ability.

I am joined by my cousin, Jason Clarke, who I have to thank for having the courage to join me here, when others didn't.

We are sorry that our application came too late to allow us to appear before the Commissioners, personally, and answer any questions they had for us. We would welcome the opportunity to answer any questions that they would like to ask us after reading - and viewing - our evidence.

We want to tell the Yoorrook Justice Commission about two aspects of our family's history with this country. The first aspect is about how both our ancestors - and we, ourselves - have lived unconsciously, failing to understand the *cultural protocols which should have been observed from the start* in interacting with First Nations people of this country.

Barbary's bloodlines include one great-grandfather, Alfred Deakin (whose shameful adoption of the *Half-Caste Act* my second cousin, Peter Sharp, has already addressed in his Yoorrook testimony. In this regard, I say "*What he said!*")

But, in this testimony, we concentrate mainly on the evidence concerning the land-grabbing activities of William John Turner (aka 'Big') Clarke, our joint paternal great-great-grandfather.

We will talk about 'Big' Clarke's sometimes 'lawful' – but sometimes more 'creative' land accumulation. We cannot cover *all* of his activities here but, with the help of a map, plus the descriptions in a family biography by Michael Clarke, we can offer an overview – and some evidence about his interactions with First Nations tribes.

We also need to give a **trigger warning** to the people of the First Nations tribes who our ancestors dispossessed with their colonising activities - particularly to

members of the **Wotjobaluk tribe**, for the deaths of tribe members our ancestors and/or their employees were responsible. We deeply regret this fact. We wholeheartedly apologise to their families and other tribal members. And we wish that it had never happened. But it did.

And we apologise, in advance, for instances in which we use language - such as that commonly used in colonial times - which we quote from our sources, which First Nations people (along with ourselves) will find **offensive**.

Secondly, we want to talk about what we are doing to act consciously, and with integrity, in this country.

### **William John Turner Clarke aka ‘Big’ Clarke (& Sir William Clarke, his son) selected property holdings in ‘Victoria’**

For the purposes of our Yoorrook Justice Commission submission:

- We have restricted ourselves, with one exception, to discussion only of what is now known as the state of Victoria - or, more correctly, Wurundjeri, Boonwurrung, Gunai Kurnai, Wadawurrung and other tribal names - formerly known as the Port Phillip District of New South Wales, when Batman & Pascoe-Falkiner laid claim to land there - although ‘Big’ Clarke also had landholdings in other states.
- We have used Michael Clarke’s book, *‘Big’ Clarke*, published in 1980, as our major source. ‘Big’ Clarke’s son, Sir William Clarke’s, property holdings were covered in Michael Clarke’s second family biography, *Clarke of Rupertswood 1831-1897: the life and times of William John Clarke, First Baronet of Rupertswood*, published in 1995\*

***\* It should be noted that Michael Clarke, being himself a Clarke descendant, may not be a wholly reliable witness. Although his willingness to report the murders of some First Nations people might not make him a wholly unreliable witness, either.***

### **1. 'Merton Vale', Grant/lease of 2,000 acres/'Lovely Banks', lease of 700 acres Van Diemens Land, 1830 - Kanamaluka – The Black War**

On the orders of Gov. Arthur, 'Big' Clarke, under protest, leaves his properties, to report on 4 Oct 1830 - with his assigned servants - for duty in 'The Black War', with the aim of forming a cordon across the island, to push indigenous people into the south-west corner. Bad weather and dense bush hindered them, so they ended up walking along kangaroo/First Nations tracks. Clarke viewed the campaign as 'a serious waste of his valuable time: the blacks had never given *him* any trouble' (Clarke, 1980, p.36). They were given leave, in early November, to return to the farm for lambing - having only 'captured one aged gin' (Clarke, 1980, p.37).

### **2. 'Block No. 14', Little River, 1837, 20,000 acres - Wadawurrung**

In 1837 William John Turner Clarke, aka 'Big' Clarke, 'selected' a 20,000 acre section of 'Block No 14', in the vicinity of Little River, just north of Geelong, running between Station Peak and Port Phillip Bay. As he travelled this country, he noticed kangaroos hopping around; thin columns of smoke rising from distant campfires (i.e. that the country was already occupied); and 'Plentiful kangaroo grass' capable of feeding thousands of sheep (Clarke, 1980, p.57). **[A FACT THAT FILLS TODAY'S ENVIRONMENTALISTS WITH HORROR, DUE TO ITS ALMOST COMPLETE ERADICATION]**. That these facts gave him no pause in thinking about whether he could legitimately occupy this land, turning it to his own purposes, speaks volumes for our ancestor's unconsciously-privileged coloniser-settler mentality.

### **3. 'Dowling Forest' - 1838, 40,000 acres - just N of Buninyong, and N of the future town of Ballarat - Wadawurrung**

Balliang, a friendly local chief had shown 'Big' Clarke's overseer the area and introduced him to the Burrumbeet Buluk, a sub-section of the tribe, who were friendly, cheeky, and loved flour, sugar, and 'bacca brought by the whiteman (Clarke, 1980, p.67). **[PROVIDING EASILY-OBTAINED WHITEFELLA FOOD WAS A FORM OF COLONISATION, IN ITSELF]**. His overseer

learnt enough of their language to converse with them in a mixture of Wadawurrung and English - and 'Big' Clarke, himself, wrote down some of the Wadawurrung language in a notebook (Clarke, 1980, p.67).

**4. 'Woodlands' – No date, ?late 1830s . Unsure if 183,000 OR 230,000 acres - Wotjobaluk**

'Woodlands' in Wimmera District - Upper Wimmera River, 'Big' Clarke didn't even apply to lease or buy this land (because it was so remote and, he thought, beyond the reach of the police) – just occupied the land with his livestock (Clarke, 1980, p.71). It *was - and is - WOTJOBALUK COUNTRY*, and appointed John Cayle Francis as superintendent. **[THIS CAN BE INTERPRETED AS A CULTURAL MISUNDERSTANDING ABOUT DIFFERENT METHODS OF LAND "OWNERSHIP" BETWEEN FIRST NATIONS AND WHITE COLONISERS]**. Unsurprisingly, Billy Billy and the Wotjobaluk tribe deeply resented this invasion of their Country and had many bloody encounters with Francis (Clarke, 1980, '*Big' Clarke*, Queensberry Hill Press, p81-86; Journal of E.S. Parker, *Manuscripts*, La Trobe Library; and Edgar Morrison, 1966, p15. *Early Days in the Loddon Valley*).

In March, 1841 Edward Stone Parker, magistrate and Protector of Loddon Valley Aboriginals visited 'Woodlands' 'to investigate the slaughter of several Aboriginals by Mr Francis in December, 1840' (Journal of E.S. Parker, *Manuscripts*, La Trobe Library). Mr Francis admitted to shooting four Aboriginals 'for setting the bush on fire' (Clarke, 1980, p.80). **[WE CAN NOW SEE THAT THIS MAY HAVE ARISEN FROM ANOTHER CULTURAL MISUNDERSTANDING REGARDING THE NEED TO BURN COUNTRY, IN A SPECIFIC WAY, TO MAINTAIN ITS HEALTH]**.

Parker believed that six had been killed and alleged that Francis had '...manifested an utter disregard of human life' (Journal of E.S. Parker, *Manuscripts*, La Trobe Library). 'Big' Clarke was extremely concerned at what had been happening in his absence and went up to 'Woodlands' to find out for himself, for, according to Michael Clarke, 'he took pride in his previous avoidance of any trouble with them' (1980, p.80). He was alarmed that Francis had been carrying out a 'frontier war' with the Wotjobaluk tribe (Clarke, 1980, p81) in retribution for them driving off

around 1,000 head of sheep and, *enterprisingly*, mimicking their colonisers by *setting up their own station*. Some of the sheep had been recovered, but some had been killed (Clarke, 1980, p80). On one occasion 'the tribe had repulsed Francis and his men, when they tracked them into the mountains, and kept the sheep. Shepherds had been attacked and one had been badly speared (T.F. Bride, *Letters from Victorian Pioneers*, Melbourne, 1898). Michael Clarke quotes 'Big' Clarke: 'When my people found it necessary to defend themselves, a number of the blacks, I am sorry to say, was shot. Mr Francis, the overseer, was many times engaged in fights with them' (1980, p.81) - with seeming *legal impunity*. Except that 'Parker...paid him a second visit, this time to investigate the reported murder of a native shot in the sheeppark' (Clarke, 1980, p.84). Francis lived by violence and died by violence when he was stabbed in the stomach by an Irish station hand with a rusty shear blade (Clarke, 1980, p.84).

### **5. 'Rockbank' - 1853 – 40,000 acres in Current Day Melton Shire - Wurundjeri**

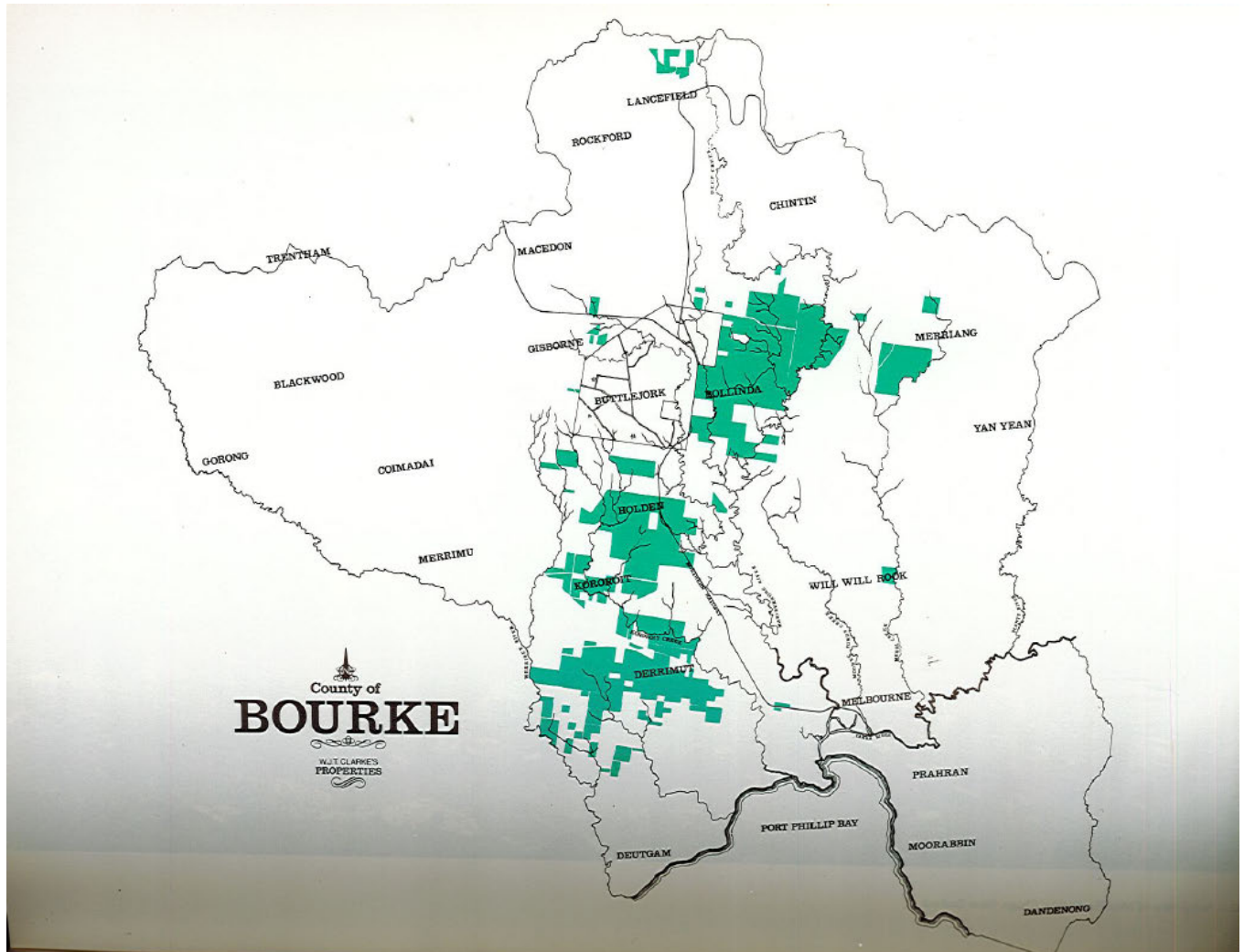
In 1853 'Big' Clarke bought *Rockbank* in what is now Melton Shire and, in 1864, began constructing numerous bluestone buildings, including one of Victoria's largest early bluestone shearing sheds, a manager's house, shearers' quarters, boundary riders' quarters, a large bluestone underground tank, a causeway across the Kororoit Creek, a number of dry stone walls (including dams), a pig-sty, a brick kiln, stables, cook's house and likely a dairy. Clarke ended up as probably the most significant supplier of sheep - which were walked from *Rockbank* to the Newmarket saleyards - in the nineteenth century. And, in 2007, the Heritage Council classified the property as being of 'State significance'.

(<https://vhd.heritagecouncil.vic.gov.au/index.php/places/162933/download-report>)

**Coloured-in Map (below) showing relative extent of Clarke holdings in central Victoria – Wurundjeri country:**

**Bolinda Vale 84,000 acres**

**Sunbury "Special Survey" 31,000 acres - 'Rupertswood' built by Sir William Clarke**





**THE MAN IN POSSESSION.**

One question in my mind, arising from the above cartoon, is *how different* would the constructions of ‘The man in possession’ have been in ‘Big” Clarke’s mind, compared to the minds of the many First Nations tribes who he dispossessed?

### **Barbary Clarke on getting from here to here**

There is an old saying: “We need a path. Not to go from here to there, but to go from here to *here*”.

I sleep-walked through much of my early life, living unconsciously.

But I have been moving ‘from here to *here*’, with the help of some extraordinary early First Nations teachers – for a while, now.

It strikes me that a childhood nickname I was given, by my uncle, could very well have characteristically represented my whole life. It was taken from the ‘Tarzan’ radio program we all listened to in the ‘50s. I don’t know if I was 1, or 2, or 3 years old when I got polio, but I’ve always been a fighter against injustice. The nickname was ‘The Fighting Waziri’, or ‘Waziri’ for short.

In 1956, 10 years after my Dad dropped dead, Mum took long service leave from Nappie Wash, the company they’d set up, packed eight of us up into a large Dodge van, and headed up to Alice Springs and Hermannsburg Mission. I was only 6 years old at that time, so I didn’t understand much. But I distinctly remember thinking it was strange that we were standing in the open doorway at the back of the classroom, so the kids (who were clothed in small dresses, or shorts - and singing a hymn) couldn’t see us. It didn’t feel right. (My older brother told me, years later, that Mum was distressed that the kids were so regimented).

Around the late ‘80s, a Bardi friend asked me: ‘How many of “us” are there? And how many of “you” are there?’ I said I wasn’t sure. She said, “There are 50 of “you” for every one of “us”. So that means one of “us” has to educate 50 of “you”. *No wonder* we get tired out and die young! You need to educate yourselves!’ So I started actively doing that.



I organized *Add Women and Stir* at the Universal Theatre in Brunswick, which was a public conversation between six very diverse women – one of whom was Ruby Hunter. It was around the time that *Charcoal Lane* was launched. She sang three songs, That was the first time I heard *Down City Streets* and it really got me in the guts!

Since the beginning of the 1990s a small community group to which I belong has been gathering in circle, with each woman naming the First Nations' lands on which she lives - donating 10% of the registration fees for our annual national gatherings to 'Pay the Rent' to First Nations' women's refuges, dance troupes, art classes, and schools. Although it was *not* one of our official national gatherings, I organized for some of us to 'Pay the Rent' to the Victorian country town where we had gathered. The funds went to the Wotjobaluk tribe (**which I was not conscious of, at that time**, was the very tribe whose members had been killed by my great-great-grandfather's superintendent!)

Around 1992 I had a strong urge to buy a block of land in the vicinity of Daylesford. Whenever I drove up there, around the time I got to Trentham Falls in Dja Dja Wurrung Country, this little voice in my head kept repeatedly singing: *'I'm coming home! I'm coming home!'* It wasn't until *years after this* that I learned that my paternal grandmother - who had died before I was born, and whose maiden surname was my middle name - had been brought up in Daylesford. One day, when I actually stopped off at Trentham Falls (I'm sorry, I can't find the Dja Dja Wurrung name for it) I put into practice what I had been taught at another First Nations event. I picked up a pebble and threw it in front of me, to warn the ancestors of my approach. Then I picked a gumleaf and walked onto the site. I cannot adequately describe the strong feeling I had, of being *watched*. But being watched in a benevolent, approving way – maybe because I had followed the correct protocols?.

In 1993 a proud Noongar woman ran a workshop I attended, in which she told us: "You are *all* displaced people". We all said, "No, we're not! Our family has been here for X generations, and we love Australia!" She then sent us away, to talk in groups of our cultures-of-origin. When we came back, we had to admit she was **right**. She then told us we needed to know where our mother-lines had come from seven generations ago, before we'd **really know where we came from**. This sent

me on a quest but, so far, I've only managed to get four generations back - to Eliza Dowling of Puckington, Weston Zoyland and Greinton in Somerset and Sarah Bill from Llanarth, in Wales - regarding some of my mother-lines. So, if we **were** 'displaced', what were we doing here?

The answer: benefitting from the displacement of the First Nations inhabitants of this land - accomplished by Jason's, and my, great-great grandfather, William John Turner Clarke (aka 'Big' Clarke).

Sometimes I like to find 'gaps' (like cracks in granite into which 'water' can creep –until it splits the rock open). One such gap presented itself, in the late '90s or early 2000s, when my lecturer for the 'Health Promotion' unit of my Master of Public Health degree was Ron Labonte. Ron had partially drafted *The Ottawa Charter*, which was one of the first documents to discuss a socio-ecological (rather than medical), approach to health. So I invited both Aunty Joy Murphy Wandin and Ron to dinner, in case what they both knew could benefit the other...

[Here, I'd like to say that I went back to the village of Greinton, in Somerset, where my grandfather, Frank Clarke, had written of our family working Dovecote Farm, which was situated diagonally across the road from the rector's residence. Dovecote Farm no longer existed – and was unknown, even to the 81-year-old oldest village resident. *But* 'Coats Farm' was situated diagonally across the road from the rector's residence. The current owners knew nothing of the past of their residence – and weren't particularly interested in my story. *I cannot tell you the strength of my feeling that this **had been** my great-great-grandfather's farm – and the urgency of my longing to touch the high red brick double archway, which was high enough for a wagon loaded high with hay to pass under!* But the current resident was a bit suspicious of me. So I could *not touch that archway*. Thinking of this makes me think *how much stronger* the *longing* of First Nations people must have been for the Country from which my great-great-grandfather might have excluded them!]

In 1994, I think, I attended a talk by Destiny Deacon at Melbourne University, in which she said: *If you're not on the barricades, you're part of the problem!* In a fit of dewey-eyed zeal, I put up my hand and asked: *What is one thing you would like every person in this audience to do next week?* Only to get put firmly back in my

place, being told: *Whose responsibility is racism? Is it the responsibility of the racist, or the person on the receiving end of racism?* (I have often found that the most painful experiences are our best teachers...)

In 1996 I heard Jackie Huggins in a radio conversation with bell hooks, the African-American author. I don't know *why* I was very surprised to hear Jackie say that white women were colonisers, too. It was *so obvious*, but I hadn't thought of that before. And they agreed that black feminists often didn't want to be allies of white feminists who hadn't started deconstructing their own thinking yet. (*Years later* I attended a very successful fundraising event, run by Hana Assafiri, to send Jackie (who was, I think, at that time Co-Chair of the National Congress of Australia's First Peoples, to the United Nations in New York - to give the U.N. a 'progress' report on First Nations' human rights - since the Commonwealth Government *had refused to fund her trip*).

In 1997, when I was studying Community Development at Swinburne, I came across the definition of '*deep colonising*' by Deborah Bird Rose in the *Aboriginal Law Bulletin* which has stayed with me ever since – and which I have seen in action, many times, in Australia, whereby:

***Practices of colonisation...are embedded in the institutions that are meant to reverse processes of colonisation (Aboriginal Law Bulletin 1996, No. 69)***

I saw deep colonisation, in practice, at Camp Sovereignty during the Stolenwealth Games in Melbourne in 2006, when a policeman, ***shockingly***, grabbed the arm of a respected First Nations elder and tried to escort him away from the sacred fire. [Supporting the Camp by scrounging four stationwagon loads of food from traders in Sydney Road, who knew me, I was surprised and gratified when a Gunai Kurnai elder thanked me for acting respectfully by providing the food, but not staying to participate in 'First Nations business'. I was happy to have behaved appropriately (even if unconsciously) because, after delivering the food, it was *Food, Not Bombs*' task to turn it into a meal].

I saw it - and felt it *deeply* – when I sat in a room in Parliament House, Victoria in 2010, listening to many eloquent Traditional Owners speak of their connection to Country, ***begging*** the government of Victoria for a two-week moratorium on debating the Traditional Owners' Settlement Bill - because they had not had time

to read it. Gavin Jennings cold-heartedly refused their request - and the Bill was passed without their consent.

I saw it in the Northern Territory 'Intervention', from 2007-2012, when supposedly grog, and paedophilia, were used as an excuse for the racist Federal Government to institute some of the *most iniquitous restrictions* ever seen in Australia, including the notorious '*Basics Card*', which robbed First Nations people of financial autonomy.

I was very upset when I witnessed, firsthand, some of the effects of the Intervention e.g. seeing the way shopkeepers looked at people using the Basics Card in their stores. Having inquired about women's organizations in Mparntwe which could do with some financial support, I was told that the *Tennant Creek Women's Refuge* was doing a great job, with very few resources. So I rang them, asked them what they needed, did the *biggest supermarket shop I had ever done in my life* – and headed north. When I stopped off at The Devil's Marbles, the *entire sole* fell off one of my hiking boots – the only footwear I'd brought. The only thing I could do was attach it with a feeble rubber band. I was happy enough to bring some *incredulous laughter* to the women at the Refuge 'cause they probably didn't get much of that, given the job they were doing. I got teased about how this crazy whitefella – who *couldn't even afford to buy a new pair of shoes(!)* – had turned up with a troopie full of fresh fruit & vegies, tinned food, women's comfort items, skirts for inma, large-sized bras, pads and coloured pencils and books for the kids.

After having a cuppa, I turned around and headed south again – to catch my plane. Needless to say, I came upon a First Nations family stranded by the side of the road, gave them a tow to the nearest town & said I'd 'pay some rent' by buying them some petrol. What really upset me was the look of doubt and fear on the man's face - after I told him I'd fill up their car – when he felt compelled to ask me, three times, if I was *really* going to pay for the whole tank. I understood *why* he needed to do that, because it would've been disastrous for them if I'd skipped out on them, leaving them with a bill they most likely couldn't have paid. But it hurt me that their past experiences had led them to be suspicious of a whitefella's word.

I saw it in a Melbourne courtroom, sitting with Rosalie Kunoth-Monks as she defended her homelands, in the Centre, arguing that they and their culture should not be destroyed by consolidating the homelands into ‘hubs’ to suit whitefella administration. As we sat in the forecourt, having a coffee, Julian Burnside, the human rights barrister, walked by – and I buttonholed him to come and speak with Rosalie.

I saw it in 2013-15 when, as a tutor in the Medical Faculty of the university at which I was studying, I had the opportunity to ask Jan and Robbie, two First Nations people, to come and talk with the first-year Med students about their experiences, or lack of experience with, the healthcare system. After one such interaction some students complained that they had given ‘a political speech’. As if a First Nations person getting up and saying *anything* would *not* be a political speech!

I sneakily subverted it by inviting two Gunai Kurnai elders to make use of extra tickets a community group I belonged to had, in order that they could mix with other international First Nations peoples attending a United Nations Conference in Melbourne about Sustainable Development Goals in 2016.

It was important to me to offer some financial support to Debbie Kilroy and *Sisters Inside*. Debbie astonished me when she told me it *costs \$3,000* to keep *one* First Nations woman out of the racist revolving door of imprisonment on trivial, trumped-up charges. This is so important because, if their mother is absent, it is almost certain that, without her protection, her children will be taken away, or ensconced in youth detention centres (to fill the coffers of care-less multinational companies).

I saw it in 2020 when the rich cultural heritage of Juukan Gorge was blown up – with no appropriate consequences for Rio Tinto (although, what penalty *could* have been appropriate?).

I read daily reports of it in the rates in which First Nations women and children are incarcerated, *treated shockingly* and sometimes killed, or, at the very least, refused treatment that would have saved their lives.

And I read of it when the Djab Wurrung Directions Tree was cut down and paraded around the town, in pieces on the back of a truck, by authorities who *knew* that there was a *perfectly viable alternative route* to widening the highway – *without* cutting down the rich cultural heritage contained in the Djab Wurrung birthing trees.

Before the Directions Tree was killed, I'd visited the Djab Wurrung protest site to give them some support. There, I met Zellanach, who informed me that he was studying *every phrase* of the Constitution, in order to see if there was *any way* it could be used to protect the trees. I told Zellanach that I *absolutely approved* of what he was doing. But then I told him 'I need to tell you who I am.' That is, the great-granddaughter of the man who had partially helped to draft that Constitution. After doing that, I had one of the *most powerful conversations* of my life! Zellanach went and got dressed in his traditional gear– and we made a video recording, together, of what we said to each other. **POW-ER-FUL!!** As I was just about to leave, Zellanach raced up to me and gave me a club, which he had not quite finished fashioning out of a mallee root. I felt *honoured* to receive it! And I tell myself that it is a symbol that the struggle is not yet over. And I tell myself that I will continue to support First Nations people in their/*our* struggle.

Aunty Joy Murphy Wandin is a *very important person*, to me. I suggested to her that I thought the respective experiences of grief and loss felt by First Nations Peoples and those of people who had come (involuntarily, or voluntarily) to this country from elsewhere, leaving their countries-of-origin behind - might be a way in which we could start to come to understand each other. And our respective *Trauma Trails* (Judy Atkinson). We were scheduled to do a workshop together at a Grief and Loss Conference. But Aunty Joy couldn't make it.

So I couldn't sing a song to her.

That song was the *only one I had ever written in my life*. After she had given us that first Welcome to Country at the Melbourne Town Hall (which I imagine must have taken *a lot* out of her) I had walked around the corner into a café - and written it.

I *was* able to sing it to her - and to Aunty Geri Atkinson - at a Deakin University truth-telling session a few years ago. It *was recorded* but I've only learned, in the past month, that it was ***never to see the light of day*** in the broader community. I sang it on the video recording for the Yoorrook Justice Commission – but we're having technical problems uploading it. So, just in case, here are the words (I HOPE submitting this written document works!)

Always was, always will be!

Barbary Clarke

### ***Honour the Leaf***

You gave me a leaf, Sister, and I *know* what that means.

I will try to tread lightly, now that you've spoken.

We'll walk *together*, now the drought's broken.

*Yours* to forgive...*Mine* to remember.

*Yours* to forgive...*Mine* to remember.

Leaves from the same tree, woven by spirit

All my relations: walking, learning, healing TOGETHER.

I will honour that leaf from the earth to the sky.

I am remembering...

I am remembering...

**I am remembering...!**